IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3940 of 2006 (O&M)
DATE OF DECISION: 21.9.2006

Smt.Nirmala Kumari

...Appellant

versus

National Insurance Company Ltd.

... Respondent

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mr.A.P.Bhandari, Advocate
for the appellant.

UMA NATH SINGH, J. (ORAL)

Filing of the FAO by the owner is barred by an inordinate delay of 1172 days. The only submission urged by learned counsel is that though the driver of the offending vehicle was holding a learner's licence but in the witness box, he flatly refused to have any such licence. Learned counsel further urged to support his submission that the Investigator's report also disclosed that a learner's licence had been issued by the office of the SDM, Hoshiarpur.

We have carefully considered the award so also the submission of learned counsel. We do not find any force and further the explanation given for inordinate delay also does not satisfy us. Thus, as the explanation does not disclose sufficient cause to condone the delay and the amount is only Rs.25,000/-, we are not inclined to entertain the appeal. As such, the appeal is dismissed on merits so also on the ground of delay.

At this stage, learned counsel also submitted that the

compensation amount has already been paid to the claimant. As the appeal is dismissed, the amount deposited in the Registry be refunded to the appellant.

(UMA NATH SINGH)
JUDGE

September 21, 2006 **(MAHESH GROVER)**
pk **JUDGE**